

Appl. No. 09/759,056
Amendment dated February 6, 2006
Reply to Final Office Action of December 9, 2005

REMARKS

Applicants request entry of this Response and withdrawal of the double patenting rejections in view of remarks presented below. Claims 2-4, 8-10, 15-16, 18-21, 96-97, and 99-112 are presently pending.

The rejections under 35 U.S.C. 112, first paragraph were withdrawn.

OBVIOUSNESS-TYPE DOUBLE PATENTING

Claims 2-4, 8-11, 15, 16, 18-21, and 96-112 are provisionally rejected under the judicially created doctrine of obviousness-type double patenting as being unpatentable over claims of co-pending U.S. Serial Nos. 10/119,480, 10/216,159, 10,216,160, 10,216,162, 10/216,163, 10/216,164, 10/216,165, 10/216,166, 10/216,167, 10/216,168, 10/218,849, and 10/218,930. Claims 9 and 15-21 are provisionally rejected under obviousness-type double patenting over copending U.S. Serial Nos. 10/218,631, 10,227,884, 10/230,332 and 10/230,631. Applicants respectfully traverse this rejection.

As an initial matter, claim 17 has been cancelled rendering the rejection of this claim moot. Applicants also note that U.S. Serial No. 10/230,631 is entitled "Electrostatic Coating Method". Applicants respectfully request withdrawal of the rejection of claim 17 entirely and of claims 9 and 15-16 over U.S. Serial No. 10/230,631.

The present application is an earlier filed application compared to the applications indicated above. Any remaining issues regarding obviousness-type double patenting can and should be appropriately addressed in the above referenced applications, particularly since to our knowledge there are no conflicting allowable claims. Without making any concessions regarding obviousness, the present provisional double patenting rejection is the last remaining rejection in the present application. Therefore, withdrawal of the rejection is respectfully requested for issue of the present application in accord with MPEP 804 I.B. 1 Rev. 3, August 2005 at page 800-17.

"If a "provisional" nonstatutory obviousness-type double patenting (ODP) rejection is the only rejection remaining in the earlier filed of the two pending applications, while the later filed application is rejectable on other grounds, the Examiner should withdraw that rejection and permit the earlier filed application to issue as a patent without a terminal disclaimer."

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Based on the foregoing, Applicants request withdrawal of the obviousness-type double patenting rejections.

PRIORITY

Applicants' claim for domestic priority under 35 U.S.C. § 119(e) to U.S. Serial No. 60/175,849 filed, January 13, 2000, U.S. Serial No. 60/228,914, filed August 29, 2000, U.S. Serial No. 60/197,089, filed April 14, 2000 is acknowledged by the Office.

IDS SUBMISSIONS

The Supplemental Information Disclosure Statement submitted on October 20, 2004 has been acknowledged by the Office and an initialed copy of the Form 1449 received.

INTERVIEW

Applicants request an interview with the Examiner and his supervisor upon receipt of these papers to resolve any outstanding issues.

CONCLUSION

Applicants respectfully request withdrawal of the provisional double patenting rejections and issue of a Notice of Allowance. If the Examiner believes a telephone conference would advance the prosecution of this application, the Examiner is invited to telephone the undersigned at the below-listed telephone number.

Respectfully submitted,

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